

79569-1 /pw

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## HYBRID-INTEGRATED HIGH-SPEED OTDM MODULE

the specification of which

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_  
as U.S. Application Serial No. \_\_\_\_\_
- ☐ was filed on \_\_\_\_\_  
as PCT International Application No. \_\_\_\_\_

and (if applicable) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§1.56(a) and (b), which state:

- <sup>1</sup>(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) prior art cited in search reports of a foreign patent office in a counterpart application,
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim foreign priority benefits under 35 United States Code, §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

**PRIOR FOREIGN APPLICATION(S)**

<u>Number</u>	<u>Country</u>	<u>Filing Date</u> (Day/Month/Year)	<u>Date First</u> <u>Laid-open or</u> <u>Published</u>	<u>Date Patented</u> <u>or Granted</u>	<u>Priority</u> <u>Claimed?</u>
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I hereby claim the benefit under 35 United States Code, §119(e) of any United States provisional application(s) listed below:

Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**PRIOR U.S. OR PCT APPLICATION(S)**

<u>Application No.</u>	<u>Filing Date</u> (day/month/year)	<u>Status</u> (pending, abandoned, granted)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following patent agents with full power of substitution, association and revocation to prosecute this application and/or international application and to transact all business in the Patent and Trademark Office connected therewith:

JAMES D. KOKONIS (Reg. No. 21178)  
ALAN R. CAMPBELL (Reg. No. 26129)  
ROBERT D. GOULD (Reg. No. 27523)  
THOMAS R. KELLY (Reg. No. 29244)  
MICHAEL E. WHEELER (Reg. No. 29246)  
R. ALLAN BRETT (Reg. No. 40476)  
PHILIP D. LAPIN (Reg. No. 44443)  
HANS KOENIG (Reg. No. 46474)  
CHRISTINE N. GENGE (Reg. No. 45405)  
DENNIS S.K. LEUNG (Reg. No. 47325)  
DONALD F. PHENIX (Reg. No. 32528)  
DAVID E. SCHWARTZ (Reg. No. 48,211)  
RALPH A. DOWELL (Reg. No. 26868)

HUGH O'GORMAN (Reg. No. 26140)  
A DAVID MORROW (Reg. No. 28816)  
JAMES MCGRAW (Reg. No. 28168)  
JOHN BOCHNOVIC (Reg. No. 29229)  
JOY D. MORROW (Reg. No. 30911)  
TOKUO HIRAMA (Reg. No. 32551)  
KOHJI SUZUKI (Reg. No. 44467)  
R. JOHN HALEY (Reg. No. 29502)  
THUY HUONG NGUYEN (Reg. No. 47336)  
KEVIN K. GRAHAM (Reg. No. P-47365)  
MATTHEW M. ROY (Reg. No. 48,074)  
ELLIOTT S. SIMCOE (Reg. No. P-50,010)

PLEASE SEND CORRESPONDENCE TO:

Customer No. 000293

DOWELL & DOWELL, P.C.  
1215 Jefferson Davis Highway  
Suite 309,  
Arlington, Virginia 22202-3124  
U.S.A.  
Telephone: (703) 415-2553  
Facsimile: (703) 415-2559

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- 4 -

1) INVENTOR'S SIGNATURE:

Date:

Nov. 15, 2001

Inventor's Name:

Tiangong

Liu

(First)

(Middle)

(Family Name)

Country of Citizenship:

CHINA

Residence:

Mountain View, California, U.S.A.

(City, Province, Country)

Post Office Address:

175 Oakfree Drive, Apt. 50, Mountain View, California 94040, U.S.A.

2) INVENTOR'S SIGNATURE:

Date:

Nov. 15, 2001

Inventor's Name:

Jinghui

Li

(First)

(Middle)

(Family Name)

Country of Citizenship:

CANADA

Residence:

San Jose, California, U.S.A.

(City, Province, Country)

Post Office Address:

5067 Shalen Court, San Jose, California 95130, U.S.A.

3) INVENTOR'S SIGNATURE:

Date:

Nov. 15/2001

Inventor's Name:

Tongying

Wang

(First)

(Middle)

(Family Name)

Country of Citizenship:

CANADA

Residence:

Los Altos, California, U.S.A.

(City, Province, Country)

Post Office Address:

950 N. San Antonio Road, Apt. 16A, Los Altos, California 94022, U.S.A.

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ASSIGNMENT

WHEREAS, we:

TIANGONG LIU, 375 Oakfree Drive, Apt. 50, Mountain View, California 94040, U.S.A.  
CITIZENSHIP: Chinese

JINGHUI LI, 5067 Shalen Court, San Jose, California 95130, U.S.A.  
CITIZENSHIP: Canadian

TONGQING WANG, 950 N. San Antonio Road, Apt. 16A, Los Altos, California 94022, U.S.A.  
CITIZENSHIP: Canadian

(hereinafter referred to as the "Assignors") have invented certain improvements in

**HYBRID-INTEGRATED HIGH-SPEED OTDM MODULE**

for which an application for a patent for such invention is to be filed in the United States of America;

AND WHEREAS, REDCLOVER NETWORKS, INC., whose full post office address is 1154 East Arques Avenue, Sunnyvale, California 94085-4602, U.S.A, (hereinafter referred to as the Assignee), is desirous of acquiring the entire interest therein;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said Assignors, by these presents do sell, assign and transfer unto REDCLOVER NETWORKS, INC., the full and exclusive right, for the territory of the United States of America, and all other countries, in and to the said invention, as fully described and claimed in the application executed by us concurrently herewith, preparatory to obtaining Letters Patent of the United States of America therefor, and we hereby request the Commissioner of Patents to issue the said Letters Patent to the said REDCLOVER NETWORKS, INC., as the assignee for its interest, for the sole use and behoof of the said REDCLOVER NETWORKS, INC., and its legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

EXECUTED


this 15 day of Nov. , 2001.

WITNESS

Tiangong Liu

EXECUTED  
this 15 day of Nov. , 2001.

WITNESS 

  
Jinghui Li

EXECUTED  
this 15 day of Nov. , 2001.

WITNESS 

  
Tongqing Wang